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Franklin E. Gibbs, Esq.
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In re application of
Robert T. Bigelow
Application No. 10/700,808
Filed: November 4, 2003
For: COVER FOR USE WITH AN INFLATABLE
MODULAR STRUCTURE

: DECISION ON PETITION
: TO MAKE SPECIAL
: (ENVIRONMENT) OR (ENERGY)
:

This is a decision on the petition filed on November 4, 2003 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality, or alternatively, Section VI: Energy.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by affidavits or declaration under 37 CFR 1.102 by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

A grantable petition to make an application special under 37 C.F.R. 1.102 (c), MPEP 708.02, Section VI for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources must be accompanied by statements under 37 CFR 1.102 by applicant or his attorney explaining how the invention materially contributes to category (A) or (B) set forth above.

Applicant's invention relates to a cover for an inflatable modular human habitat. The "Modular Habitat" is to be deployed in space for the purposes of conducting research in numerous areas of science, and energy within the environment of space.

Applicant's petition includes, *inter alia.*, a statement by applicant's attorney, Franklin E. Gibbs, Esq., and a declaration by applicant, Robert T. Bigelow.

The thrust of applicant's petition is that the cover of applicant's invention "is instrumental in the deployment of a Modular Habitat in space for research into technologies that would reduce reliance on basic life sustaining natural elements and materially contribute to the utilization and

conservation of energy sources. To that end, the cover for use with an inflatable modular structure is integral in the creation of the Modular Habitat and contributes to the aforementioned goals (statement by Mr. Gibbs, p.5)."

The statement by applicant's attorney, and the declaration by applicant are insufficient to grant either a petition under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality, or a petition under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section VI: Energy. In this regard, petitioner's reasoning for granting either such petition is considered to be convoluted and tenuous, at best. Petitioner has failed to show a direct link between the cover of the above-noted application and either a material enhancement in the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, or a material contribution to the utilization and conservation of energy sources.

The petition to make special based on Environmental Quality is **DISMISSED**.

The petition to make special based on Energy is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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KJD/rwg: 11/09/04